

Entered -06-25-01 - sb
CL 01L0401 - GWENDOLYN BURNS

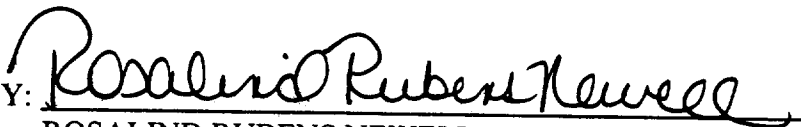
CLAIM OF:

MITCHELL J. IVES
4520 Crestwicke Pointe
Atlanta, Georgia 30319

01- R-1845

For damages alleged to have been sustained when a vehicle was driven over a sewer construction site that was not properly covered in the roadway on May 28, 2001 at Peachtree Dunwoody Road, NE & Haven Oaks Court, NE (3740 Peachtree Dunwoody Road, NE).

THIS ADVERSED REPORT IS
APPROVED

BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0401

Date: October 30, 2001

Claimant /Victim MITCHELL J. IVES
BY: (Atty) (Ins. Co.) _____
Address: 4520 Crestwicke Pointe, Atlanta, Georgia 30319
Subrogation: _____ Claim for Property damage \$ 179.89 Bodily Injury \$ _____
Date of Notice: 6/25/01 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 5/28/01 Place: Peachtree Dunwoody Rd. & Haven Oaks Ct. (3740 Peachtree Dunwoody Rd.)
Department _____ Division _____
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant alleges that his vehicle sustained damage when he drove over a sewer construction site in the roadway that was left open and in an unsafe manner. However, an investigation determined that an outside contractor performed work at the incident location. The claimant has been notified and his claim has been forwarded to the contractor for immediate resolution.


INVESTIGATION:

Statements: City employee X Claimant _____ Others _____ Written _____ Oral X
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other X
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

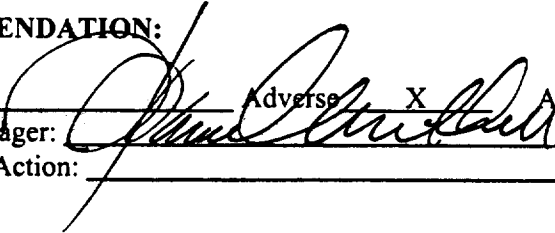
BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial _____
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____
City not involved X Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____
Claims Manager:  Concur/date 10-31-01
Committee Action: _____ Council Action _____

BURNS
06/25/01

Mitchell J. Ivers
4520 Crestwick Rd
Atlanta, Georgia 30319

June 22, 2001

ENTERED - 6-25-01 - SB
01L0401 - GWEN BURNS

Ms. Diane Mitchell
City of Atlanta
68 Mitchell St.
Suite 4100
Atlanta, Ga. 30335-0332

Dear Ms. Mitchell:

Sandra Woolridge from Fulton County gave me your name to write concerning a problem that occurred as a result of some roadwork performed on Peachtree-Dunwoody Road.

On Memorial Day, May 28, I was traveling down Peachtree-Dunwoody at about 11:00PM in the evening returning to Atlanta from a weekend in Birmingham. I entered Peachtree-Dunwoody from Peachtree Road at Phipps Road. There was a car in front of me and we were both moving at the speed limit. I noticed the car in front of me swerved, however, I was unable to dodge a large hole in the road and my front left tire went flat immediately. The location of this "hole in the road" was around the Haven Oaks crossroad on Peachtree-Dunwoody.

After changing the tire, I drove back up Peachtree-Dunwoody towards Peachtree and saw that the "hole" I ran over was a result of roadwork. There was no signage of roadwork nor was there any steel cover over this very large and deep (about 8 inches) hole in the middle of the road. The dimension of the area was approximately 5' long X 3' wide. I also saw where another of these "holes" existed at the crossroad of Carlton and Peachtree-Dunwoody. At this writing, both of these areas have been repaired and are now covered with black asphalt.

I have also noticed where there is another very dangerous hole around a manhole that needs attention on the right side as you travel northbound on Peachtree-Dunwoody. This is at the crossroad of Stratford and Peachtree-Dunwoody. I have seen cars swerve to avoid this hole as have I and most likely an accident will ultimately occur as a result of required action on the driver's part to avoid a potential flat tire.

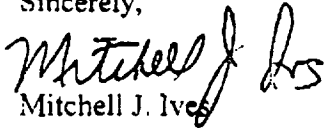
Ms. Woolridge requested that I send a copy of the report of the cost I incurred. Fortunately, the bump did not flatten my tire, only bent my wheel rim. I was able to send the wheel to a

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repair shop that was able to bend the aluminum and weld the crack back together as opposed to purchasing a new wheel. Enclosed find my repair invoice from Volvo service.

I very much appreciate you reviewing my request for reimbursement.

Sincerely,


Mitchell J. Ives